

## REMARKS

Claims 1 and 9 have been amended. Support for the amendments can be found throughout the specification, including for example, at pages 4-5. These amendments introduce no new matter.

Claims 1-15 are pending in the application, with claims 1 and 9 being the independent claims.

**I. The Rejection of Claims 1-5, 8-9, 11 and 13-15 Under 35 U.S.C. § 102(b) Should be Withdrawn**

Claims 1-5, 8-9, 11 and 13-15 have been rejected at page 2 of the Office Action, as allegedly being anticipated by EP 1369516 (hereinafter “EP ‘516”). Applicants respectfully traverse this rejection.

The Office Action suggests that EP ‘516 discloses a device for winding knitted nets to a given width at a winding point in which spacer elements are arranged ahead of the winding point along which the thrums of the knitted net are guided. The Office Action therefore concludes that the claimed invention is allegedly anticipated by EP ‘516. Applicants respectfully disagree with these contentions and conclusions.

As set forth in M.P.E.P. § 2132, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). Applicants respectfully submit that EP ‘516 does not disclose every element of the present claims, hence cannot and does not anticipate the presently claimed invention.

Specifically, present claim 1 (and hence, claims 2-5 and 8 that depend ultimately therefrom) recites a process for the winding of nets knitted from thrums and wefts to a given winding width at a winding point, comprising guiding the thrums of the knitted net along spacer elements ahead of the winding point *after the net has been knitted*. Present claim 9 (and hence, claims 11 and 13-15) recites a device for winding knitted nets *that have been knitted* from thrums

and wefts to a given winding width at a winding point, comprising spacer elements which are arranged ahead of the winding point along which the thrums of the knitted net are guided.

The present claims are directed to processes and devices that occur, or are utilized, *after* the knitting of a knitted net. This is in contrast to the disclosure of EP '516 which is clearly directed to methods and devices that occur and are utilized *during* the knitting of the net. *See* EP '516 at page 3, paragraph [0012], "*while* the netting being knitted moves longitudinally in the knitting machine" (emphasis added). Applicants respectfully submit that EP '516 does not disclose a method comprising guiding the thrums of the knitted net along spacer elements ahead of the winding point *after* the net has been knitted, as EP '516 discloses only methods that occur *during* the knitting process itself. Similarly, the device disclosed in EP '516 is a knitting device, not a device for winding knitted nets that have been knitted (i.e., *after* the knitting has been completed).

In addition, due to the form of the corrugations (24) disclosed in EP '516, the thrums cannot be guided along the corrugations as required in the presently claimed invention. If they were guided along the corrugations, the thrums would slip over the corrugations and thus would not result in a wound net, as set forth in the presently claimed invention.

In view of the foregoing remarks, Applicants respectfully submit that EP '516 does not disclose all of the elements of the present claims. Thus, EP '516 cannot and does not anticipate the presently claimed invention. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102(b) are respectfully requested.

## **II. The Rejection of Claims 6-7, 10 and 12 Under 35 U.S.C. § 103(a) Should be Withdrawn**

Claims 6-7, 10 and 12 have been rejected in the Office Action at page 3 under 35 U.S.C. § 103(a) as allegedly being obvious over EP '516 in view of U.S. Patent No. 3,646,782 (hereinafter "the '782 patent"). Applicants respectfully traverse this rejection.

The Office Action suggests that EP '516 discloses the claimed invention as set forth above. However, the Office Action concedes that the reference fails to disclose moving the spacer or rotating the spacer. The Office Action attempts to cure this deficiency with the disclosure of the '782 patent, suggesting that the '782 patent discloses the concept of moving spacers connected by a common electric motor which rotates the shaft. The Office Action therefore concludes that it would have been obvious to modify the disclosure of EP '516 with the movement of spacers disclosed in the '782 patent, and use any old and well known movement of the spacer as another way of oscillating the spacer. Applicants respectfully disagree with these contentions and conclusions.

As discussed in detail above, Applicants submit that EP '516 fails to disclose the presently claimed invention as the methods and devices set forth in EP '516 are directed to knitting of nets, not winding of already knitted nets (i.e., after the knitting has been completed). Applicants submit that this deficiency is not cured by the disclosure of the '782 patent as this reference is also directed to methods and devices for knitting of nets (*see* the '782 patent at column 1), not for the *winding of nets that have already been knitted*. Thus, Applicants submit that EP '516 and the '782 patent, alone or in combination, do not disclose the presently claimed invention, and hence, the Office Action has not set forth a *prima facie* case of obviousness.

In addition, Applicants submit that it is not possible to use the trick plate disclosed in EP '516 for altering the width of the netting that is to be wound. For altering the width of the netting to a reduced winding width, it is necessary to use elements to which the thrums can be guided and change direction. However, if the thrums were to change direction using the corrugated plate as discussed in EP '516, the thrums would slip over the corrugations and not change the direction along which they are guided. Therefore, the corrugation plate disclosed in EP '516 cannot be used to arrive at the methods of the presently claimed invention, wherein a knitted net is wound to a give winding width at a winding point, wherein the thrums of the knitted net are guided along spacer elements ahead of the winding point. The '782 patent also only discloses the part of the knitting machine in which the fabric is knitted. There is no disclosure of methods or devices for use after the fabric passes through the knitting area, and furthermore, there is no indication in the '782 patent that after leaving the knitting area, the

franzes of the fabric are, or even could be, guided along spacer elements so as to wind the netting to a given winding width. Thus, Applicants submit that EP '516 and the '782 patent, alone or in combination, do not disclose the presently claimed invention, and hence, the Office Action has not set forth a *prima facie* case of obviousness.

In view of the foregoing remarks, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).


### **III. Conclusion**

Applicants believe that the claims of the present application are in condition for allowance and respectfully request allowance thereof. The Examiner is invited to telephone the undersigned if that would be helpful in resolving any issues.

With the exception of extension of time fees, no fees are believed due for this submission. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application or credit any overpayment, to Deposit Account No. 50-5071. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-5071.

Respectfully submitted,

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